

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

James Allen Gregg,

Case No. 20-cv-00433 (KMM/TNL)

Plaintiff,

v.

ORDER

United States,

Defendant.

This case has been stayed pursuant to an Order dated June 7, 2022, pending the outcome of the Supreme Court's decision in the appeal from *Jones v. Hendrix*, 8 F.4th 683, 686 (8th Cir. 2021). [Dkt. 29.] On June 22, 2023, the Supreme Court issued its decision in the *Jones* case. *Jones v. Hendrix*, No. 21-857, slip op. (2023). Because the *Jones* case has been decided, the Court hereby lifts the stay in this matter.

Although the Court's June 7, 2022 Order set forth certain requirements for the parties to fulfill once *Jones* was decided, two important developments have occurred in recent months that justify a different approach. First, Mr. Gregg has been released. This could have the effect of rendering his petition moot, or it may mean that he no longer has any interest in pursuing his claims. Second, although the Court is open to receiving additional briefing on the effect of the Supreme Court's decision in *Jones*, that ruling appears to be either largely or entirely fatal to Mr. Gregg's claims.

Given these recent developments, the Court enters the following Order concerning the next steps in this litigation.

1. **Within 10 days of the date of this Order**, Respondent shall provide the Court with any information reasonably available to Respondent regarding Mr. Gregg's current mailing address so that he can continue to receive materials related to this litigation, including a copy of this Order. If Respondent does not know where Mr. Gregg is located or cannot discovery where he may be reached without substantial difficulty, Respondent shall inform the Court by filing a letter to that effect.
2. **On or before August 14, 2023**, Mr. Gregg shall file a letter stating whether he intends to pursue this case. Mr. Gregg is advised that failure to file such a letter by the August 14th deadline may result in dismissal of this case for failure to prosecute.
3. If Mr. Gregg states that he intends to pursue the case further, the Court will set a briefing schedule for the parties to discuss the impact of the decision in *Jones* and Mr. Gregg's release on this litigation.

Date: July 11, 2023

s/ Katherine Menendez
Katherine Menendez
United States District Judge